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UNITED STATES BANKRUPTCY COURT

CENTRAL DISTRICT OF CALIFORNIA—LOS ANGELES DIVISION

In re:

CRESTLLOYD, LLC,

Debtor and Debtor in Possession.

Case No. 2:21-bk-18205-DS

Chapter 11

**LIMITED OBJECTION OF YOGI
SECURITIES HOLDINGS, LLC TO
DEBTOR'S MOTION TO:
(1) APPROVE AUCTION AND BID
PROCEDURES REGARDING THE
SALE OF REAL PROPERTY AND
(2) SET SCHEDULING FOR A MOTION
TO APPROVE THE SALE OF REAL
PROPERTY**

Hearing:

Date: January 6, 2022
Time: 11:30 a.m.
Place: Courtroom 1639
255 East Temple Street
Los Angeles, California 90012
(via Zoom for Government)

Yogi Securities Holdings, LLC (the "Yogi Securities") hereby submits this limited objection (the "Objection") to *Debtor's Motion to: (1) Approve Auction and Bid Procedures Regarding the Sale of Real Property and (2) Set Scheduling for a Motion to Approve the Sale of Real Property* [Docket No. 88] (the "Bid Procedures Motion"), and respectfully states as follows:

Yogi Securities' objection to the Bid Procedures is simple: the proposed sale process is too short—especially without a minimum bid to protect creditors.¹

¹ Capitalized terms not defined herein have the meanings ascribed to them in the Bid Procedures Motion.

1 Although Yogi Securities supports a sale of the Property, the Bid Procedures propose an
2 extremely abbreviated marketing and sale process that may not allow the Debtor and Debtor's Brokers
3 and Auctioneer the time needed to successfully market and maximize the value of the Property. Nor
4 has the Debtor required a minimum bid to help mitigate concerns over such an abbreviated marketing
5 and sale timeline.²

6 Neither the Brokers nor the Auctioneer have made any representations that set forth a downside
7 to having a minimum bid structure—which, as noted above, is even more important here to protect all
8 stakeholders given the short period of time that the Debtor has requested for the marketing and sale
9 process of an extremely unique property.

10 To alleviate these concerns, Debtor should (1) provide representations from its Brokers and
11 Auctioneer that the proposed marketing and sale timeline will provide them with sufficient time to
12 maximize the value of the Property for the benefit of all parties; and (2) explain what downside, if any,
13 a minimum bid would have.

14 **CONCLUSION**

15 WHEREFORE, Yogi Securities respectfully requests that this Court condition approval of the
16 Bid Procedures Motion on extension of the time that the Debtor's Brokers and Auctioneer have to
17 market and sell the Property to maximize value for the benefit of all parties or inclusion of a minimum
18 bid requirement.

19
20 Dated: January 5, 2022

MILBANK LLP

21
22 /s/ Mark Shinderman

MARK SHINDERMAN

WILLIAM SCHUMACHER

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24 Attorneys for Yogi Securities Holdings, LLC

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26 ² Yogi Securities also had concerns regarding credit bidding, but understands from the Debtor that no
27 credit bidding would be allowed other than the \$12 million of principal that the Debtor borrowed
28 under the DIP Loan (as defined in the *Debtor's Motion for Entry of Interim and Final Orders: (I) Authorizing Debtor to Obtain Senior Secured Postpetition Financing Pursuant to Section 364 of the Bankruptcy Code, (II) Granting Super-Priority Administrative Claims and Senior Liens, (III) Scheduling a Final Hearing, and (IV) Granting Related Relief* [Docket No. 66]). Should credit bidding be allowed, Yogi Securities requests notice and an opportunity for a hearing.

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is: **2029 Century Park E, 33rd Floor, Los Angeles, CA 90067**. A true and correct copy of the foregoing document entitled: *Limited Objection of Yogi Securities Holdings, LLC to Debtor's Motion to: (1) Approve Auction and Bid Procedures Regarding the Sale of Real Property and (2) Set Scheduling for a Motion to Approve the Sale of Real Property* will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On January 5, 2022, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

☒ Service information continued on attached page

2. SERVED BY UNITED STATES MAIL: On January 5, 2022, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

None.

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on January 5, 2022, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

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Hankey Capital, LLC
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Los Angeles, CA 90010-3838

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

January 5, 2022
Date

William Schumacher
Printed Name

/s/ William Schumacher
Signature

SERVICE LIST

(Via NEF)

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